

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

REBECCA HUNT and
SUSAN NURNBERG,

Plaintiffs,

vs.

STATE OF MISSOURI
DEPARTMENT OF CORRECTIONS,
and FAVORITE NURSES, INC.,

Defendants.

)
)
) Case No. 99-4158-CV-C-5
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)
)
) March 1, 2000
) Jefferson City, Mo.

VIDEOTAPED DEPOSITION OF REBECCA HUNT-BROWER,
a Plaintiff, produced, sworn and examined on the 1st day of
March, 2000, between the hours of 8:00 a.m. and 6:00 p.m. of
that day at the law offices of the Attorney General, in the
City of Jefferson, State of Missouri, before

TRACY L. THORPE
Certified Shorthand Reporter
ASSOCIATED COURT REPORTERS, INC.
714 West High Street
Jefferson City, Missouri 65101
(573) 636-7551
(573) 442-3600

and Notary Public within and for the State of Missouri,
commissioned in Boone County, in the above-entitled cause,
on the part of the Defendants, pursuant to notice and
agreement.

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EXHIBIT L

1 Q. Who would have supervised you there, as best
2 as you can recollect?
3 A. She got married. I'm trying to remember her
4 name now. Cathy Rose.
5 Q. Anybody else at Fulton Manor Care?
6 A. Chicky Taylor was the administrator.
7 Q. Chicky?
8 A. Yes, ma'am.
9 Q. Anybody else that you can remember there?
10 A. No. That would be all.
11 Q. How about at Fulton Community Care? When did
12 you work there?
13 A. I went in per diem during a time that they
14 were -- they had some needs. I was filling in holes. The
15 director of nursing had, during that process, walked out.
16 And so I was helping fill day schedules, do scheduling,
17 assist with care plans.
18 And during the time that I was working there,
19 there was an investigation, the Attorney General's Office
20 was involved. And I ended up leaving because of staffing
21 issues. There was some patient care concerns.
22 Q. Who would have supervised you there?
23 A. They had interim administrators off and on, so
24 I -- I don't even remember names. And like I explained, the
25 director of nursing had left.

24

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1 Q. The Presbyterian Home, where's that located?
2 A. It's in Fulton.
3 Q. And during what period did you work there?
4 A. Oh, my. Probably some in '93, maybe some in
5 '94, '95, approximate time frame.
6 Q. And what did you do there?
7 A. I was an RN. I worked there weekends and per
8 diem again. I filled holes for them.
9 Q. Do you recall any of your supervisors at the
10 Presbyterian Home?
11 A. They changed several times. The administrator
12 was fired during that time, a director of nursing was fired.
13 I don't remember.
14 Q. Missouri Division of Medical Services, is that
15 with the Department of Social Services or --
16 A. Yes, it is.
17 Q. And during what period did you work there
18 doing audits?
19 A. I worked there for the summer just after I
20 left Corrections. I don't remember the year. '97, I think.
21 Q. Who would have been your supervisor there?
22 A. Maggie Buckland.
23 Q. And when you said you were doing audits, what
24 kinds of services were you auditing?
25 A. We audited health care -- health plans.

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1 Q. Health plans?
2 A. Health plans. For example, Missouri Care,
3 Health Care USA, we did the Medicaid audits --
4 Q. Okay.
5 A. -- for the State.
6 Q. So you're not auditing, like, nursing homes
7 where you're going around and auditing their billings and
8 checking care provided for them?
9 A. It was the same process, we were just doing it
10 for the health care plans.
11 Q. Okay. And why did you leave that employment?
12 A. There was more travel than what was explained
13 when I started, and I had two small ones still at home and
14 it became -- became difficult to arrange child care.
15 Q. Were you an employee or an independent
16 contractor for Missouri Division of Medical Services?
17 A. An employee, I think, because --
18 Q. Do you recall what your earnings were?
19 A. I started at approximately 32,000, I think.
20 Q. And were you receiving the typical State
21 employee benefits?
22 A. Benefit package, yes, I was.
23 Q. And how did that salary of \$32,000 with a
24 typical benefit package compare to the money that you were
25 making for Favorite Nurses when you were assigned to the

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1 Department of Corrections?

2 A. When I was assigned to the Department of
3 Corrections, I was making \$26 an hour and I worked 30 hours
4 a week.

5 Q. How many hours a week did you say?

6 A. Thirty.

7 Q. And for Favorite Nurses, did you receive
8 benefits?

9 A. No. No benefits.

10 Q. When did you work for Riverview Nursing Care?

11 A. I per diemed there probably 1993, '94. I did
12 very few shifts for them, but it was one of them that was
13 included.

14 Q. Do you recall who would have been your
15 supervisor there?

16 A. No, I don't.

17 Q. Option Care, where is that located?

18 A. Columbia.

19 Q. And what do they do?

20 A. It's a home health agency.

21 Q. When did you work there?

22 A. During the time that I worked at the
23 VA Hospital. And I did per diem while they still had their
24 per diem. The reason I quit doing shifts for them was
25 because they stopped -- during that time they were having

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1 some cutbacks and they weren't using their per diem people.
2 Q. Who would have been your supervisor at Option
3 Care?
4 A. It was a huge place. I don't remember.
5 Q. When did you work at Pyramid Home Health?
6 A. I worked at Pyramid after I left the VA
7 Hospital, within the next month or so. And I worked there
8 until they closed the office, which was just prior to my
9 employment at Jefferson City Correctional Center.
10 Q. Who would have supervised you there?
11 A. My direct supervisor at the time was Gordon
12 Butler.
13 Q. Any other supervisors that you recall?
14 A. None. I was the director of nursing in that
15 position.
16 Q. And you mentioned Tri-County. What is that?
17 A. It's an affiliate of the Pyramid company.
18 They just did different services.
19 Q. Where was it located?
20 A. I'm not sure where -- the home office, I
21 think, was in Caruthersville. They had a small office that
22 worked out of the Pyramid office or adjacent to it.
23 Q. You said Pyramid went out of business. Is
24 Tri-County out of business also?
25 A. I don't know. I don't know.

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1 Q. And what period of time did you say you worked
2 there approximately?
3 A. A year, year and a half. I had done some work
4 prior, you know, the year before I started doing full --
5 some, you know, 40-hour weeks. So during a per-- period of
6 two years probably off and on.
7 Q. Can you recall any of your supervisors there?
8 Can you recall any of your supervisors there?
9 A. With Pyramid?
10 Q. Tri-County?
11 A. I don't remember who they used. I don't
12 remember.
13 Q. When did you begin working for the Division of
14 Youth Services as a regional nurse?
15 A. Fall of '98.
16 Q. And what do your duties entail as a regional
17 nurse? What's that mean?
18 A. I started as a facility nurse.
19 Q. Okay.
20 A. So since then I've been promoted. As a
21 facility nurse, I worked within the facility. I had --
22 there was a new facility being built and it was a 44-bed and
23 I was -- my job was to take care of the youth that were in
24 their care.
25 Q. Where was that facility located?

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1 A. It started in Fulton and it moved to
2 Montgomery City.

3 Q. And how long did you work as a facility nurse
4 before you were promoted to a regional nurse?

5 A. A little over a year.

6 Q. And what do you do as a regional nurse?
7 What's the difference?

8 A. I'm over all of the region. They have several
9 facilities, not just the one facility. I oversee -- I
10 oversee -- instead of providing all of the direct care, I
11 have two smaller facilities that I provide direct care and
12 the rest I oversee.

13 Q. Okay. And where are those other facilities or
14 what are the facilities within your region that you're
15 responsible for?

16 A. I'm fa-- I'm responsible for the northeast
17 region, which would include facilities in Columbia -- two
18 facilities in Columbia, one in Mexico, one in Fulton, one in
19 Troy and one in Montgomery City, with another one being
20 built in -- or started this year in Fulton.

21 Q. Do you then supervise all the persons that are
22 employed in those facilities?

23 A. I don't directly supervise them. The managers
24 are their site supervisors. I oversee -- I do the audits, I
25 oversee the health care, but I don't have direct supervision

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1 for the nurses. I'm involved with hiring and recruiting.
2 Q. And are those facilities facilities that are
3 owned and operated by the State or facilities that are owned
4 and operated by some other entities that contract with the
5 State to provide services?
6 A. These are all State facilities.
7 Q. Who are your supervisors at Division of Youth
8 Services?
9 A. My supervisor now is Terry Finn. He's the
10 regional administrator.
11 Q. F-i-n-n?
12 A. Yes.
13 Q. Does he work here in Jeff City?
14 A. He -- his -- our regional office is in
15 Columbia.
16 Q. Do you know who his boss is?
17 A. Mark Stewart is the director. I assume that's
18 his supervisor. I assume.
19 Q. And when you started as a facility nurse, what
20 was your salary?
21 A. Approximately 30,000.
22 Q. And were you a State employee?
23 A. Yes, I was.
24 Q. So you got the typical State employee
25 benefits?

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1 A. State package, yes.
2 Q. And when you were promoted to regional
3 supervisor, what -- or regional nurse, excuse me, what's
4 your salary?
5 A. My starting salary was approximately 32,000.
6 Q. Has it increased?
7 A. No. I've just been with the job two months.
8 Q. How did you come to be hired by the Division
9 of Youth Services?
10 A. I was on State registers and you receive the
11 notices when the openings come available.
12 Q. How long have you been on registers with the
13 Office of Administration for State vacancies?
14 A. Off and on for a couple -- two to three years
15 probably.
16 Q. Besides nursing positions, have you been on
17 any registers other than those that deal with nursing?
18 A. Just nursing.
19 Q. What's your current home address?
20 A. My current address is 7680 County Road 407,
21 Fulton, Missouri.
22 Q. 65251?
23 A. Yes.
24 Q. How long have you lived at that address?
25 A. We bought the house last summer, June, July.

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1 not common practice for them to post notices regarding
2 persons who are to be denied access to the institution?

3 A. The only time that I saw something like this
4 put up and posted was with a CMS employee that had quit and
5 was making physical threats with a gun about other employees
6 in the building. So it would have been a risk, a safety
7 risk. That is the only time during the amount of time that
8 I spent there that I saw anything like this posted. And
9 there were several employees that -- you know, I wasn't the
10 only employee that quit during that time.

11 Q. Who was the CMS employee that you note quit
12 and there was a posting for them?

13 A. I don't remember.

14 Q. Male, female?

15 A. It was a male nurse is -- is all I know.

16 Q. Is there anything about your name and your
17 numbers appearing overlaid your -- overlaid on your picture
18 that bothers you or offends you?

19 A. Yes. This --

20 Q. Why?

21 A. What offends me about this is, number one,
22 it's posted. The part about the name and the number across
23 my chest reminds me of an inmate.

24 Q. When you gave your two week's notice to
25 terminate your employment with Favorite Nurses and leave

1 JCCC, did you already have other employment lined up?

2 A. I'm trying to remember. I probably did. I
3 did, because I left -- when I left, I went to a new job
4 afterwards.

5 Q. What was the new job you went to immediately
6 after leaving JCCC?

7 A. Division of Medical Services.

8 Q. Did you lose -- was there any period of
9 unemployment between the date that you quit working at JCCC
10 for Favorite Nurses and when you began working at Division
11 of Medical Services doing auditing?

12 A. If it was, it was a couple of days between the
13 ending of one job and the starting of another.

14 Q. When, in the course of your employment with
15 Favorite Nurses while you were working at JCCC, did you
16 first decide that you were going to look for other
17 employment and leave? I'm assuming you made that decision
18 before you gave your two week's notice, so --

19 A. Yes, I did. If I recall right, probably late
20 May.

21 Q. Is there anything that would help refresh your
22 recollection as to the exact date of when you may have come
23 to that decision?

24 A. I don't remember. It was late May is probably
25 the best I could do.

1 Q. With respect to your employment at the
2 Division of Medical Services, did you have to fill out an
3 application or anything like that that would show when you
4 might have started pursuing that position?

5 A. I was -- I'd been on registers for -- for --
6 you know, prior to starting, you know, work with
7 Corrections, so I was on registers. So you occasionally got
8 fliers depending on how many they sent out for that
9 position, but you received things in the mail. And that's
10 how I found out about the position at DMS.

11 Q. Okay. Even though -- it's my understanding
12 even though when they send those things out, that sometimes
13 you still have to go fill out an application for the
14 particular agency that you're working for --

15 A. Not necessarily.

16 Q. -- or some documentation?

17 A. Not with nursing.

18 Q. That's not your recollection in this position?

19 A. Not that I can remember, because you fill out
20 one when you get hire-- or when you get on the register.

21 Q. Did you have to interview with anybody at the
22 Division of Medical Services before you were offered that
23 job, or did it just come by virtue of your expressing your
24 interest in response to one of these fliers that you
25 received?

1 Printmaster, things that we could, you know, print forms on,
2 brochures, things like that. But that would -- that's all,
3 you know. If there were things on it prior to when we came,
4 I didn't know what they were.

5 Q. In terms of the computer that you were
6 provided access to and use of in the nursing office, were
7 you familiar with that program and how -- you know, that
8 equipment, or did you need any training on that equipment?

9 A. I've worked on computers before. I did
10 newsletters at previous places, you know, where I've worked
11 and I knew -- I wasn't a computer wiz, but I knew the basics
12 about how to, you know, work the printer, operate the
13 monitor, the keyboard. I knew how to do that.

14 Q. So you never had occasion to ask Mr. Seaman to
15 help you with your computer equipment?

16 A. There might have been a time early on when we
17 first got there that we might have asked his assistance, you
18 know, a question, How do you load -- how do you, you know --
19 you know, load this program? I mean, there might have been.
20 I can't recall, but there -- there possibly could have been
21 a time.

22 Q. And you said Mr. Perry was in your area less
23 after you made that complaint to Ms. Ives within the first
24 week. When you say "less," how frequently do you recall his
25 being in your area between that complaint to Ms. Ives and

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1 the middle of April when you formalized your complaint to
2 the investigator?

3 A. As time went on, like I explained, it was less
4 and less. It -- from what started as constantly at our
5 side, went to, you know, passing in the hall two -- two --
6 maybe two to three time a week perhaps. But when he was in
7 there, he wasn't at our side constantly while we were --
8 during our work shift, during our shift.

9 Q. After you complained to Ms. Ives about
10 Mr. Perry and before you filed your complaint with the
11 investigator in the middle of April, did Mr. Perry engage in
12 any kind of harassing conduct directed toward you?

13 A. Toward me?

14 Q. Yes.

15 A. Other than glares, not speaking, you know,
16 when -- you know, when you pass in the hall, that type of
17 thing, no.

18 Q. When you say "glares," are those the kind of
19 glares that occurred in those first two days where he's
20 glaring at your chest, or is this the glare that would
21 indicate to you he's not happy with you or doesn't like you?
22 Is there a distinction when you use the word "glare" there?

23 A. There's a distinction. When I -- when I talk
24 about the men looking at our chest as I'm watching -- as
25 I'm -- as I'm looking at this, you know, no eye contact and

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1 when a man -- any little bit of a look that you did get
2 prior to, you know, the harassment -- letting her know about
3 the harassment in the beginning, the kind of look was as --
4 is -- it's as though the -- both men, not just one man, but
5 both men were undressing you with their eyes. That's that
6 kind of look. The glare that I described later is dislike,
7 disdain glare and -- you know, glare. There was a
8 difference.

9 Q. Okay. And in those contacts with Mr. Perry
10 after you complained to Julie Ives about him, did he ever do
11 anything which you found to be offensive in a sexually
12 suggestive nature?

13 A. With Rodney Perry?

14 Q. Yes.

15 A. To me?

16 Q. Yes.

17 A. No.

18 Q. Okay. And after you complained to Julie Ives
19 about Rodney Perry, did you observe any incidences where
20 Mr. Perry did anything that you thought was sexually
21 offensive to Susan Nurnberg?

22 A. Can we go back?

23 Q. Sure.

24 A. Can I go back to that? I either misunderstood
25 or I wanted to -- what was the -- could you tell me the

1 question again?

2 Q. Yeah.

3 A. Okay.

4 Q. After you complained to Julie Ives about
5 Rodney Perry --

6 A. Uh-huh.

7 Q. -- did you ever observe Mr. Perry do anything
8 that you thought was sexually offensive to Susan Nurnberg?
9 The prior question I'd asked you in relation to yourself.

10 A. Okay.

11 Q. Now I'm asking, did you observe anything that
12 he did to Susan Nurnberg?

13 A. Okay. And what I was trying to get back to
14 was during what time frame?

15 Q. After you first complained to Julie Ives.

16 A. There was a period when we were holding a
17 blood sugar clinic when Rodney -- Rodney Perry and Janice
18 Schnazmeyer were in the visitation room where we were
19 holding the clinic. They were holding hands at times. His
20 hand were -- was on her buttocks, hers was on his, giggling,
21 holding hands, that type of thing. And I found that
22 offensive.

23 Q. Okay.

24 A. Okay.

25 Q. Is that the only instance of Mr. Perry's --

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1 A. For me.
2 Q. -- conduct?
3 What about with respect to Mr. Con--
4 Mr. Perry's conduct and it's being directed at Ms. Nurnberg?
5 Did you ever observe instances where you saw him engage in
6 offensive conduct directed at Ms. Nurnberg after you
7 complained to Julie Ives?
8 A. After we complained to Julie. Other than at
9 times there were telephone conversations where I was in the
10 room where, you know, it sounded like it wasn't a cordial
11 conversation. Other than that, no.
12 Q. When you observed Mr. Perry and
13 Ms. Schnazmeyer at the -- did you say it was blood sugar --
14 A. It was a blood sc-- blood sugar screening
15 clinic.
16 Q. Blood sugar screening clinic, and you were
17 offended by their carrying on between one another, did you
18 tell either Mr. Perry or Ms. Schnazmeyer that their conduct
19 offended you?
20 A. No. I just looked shocked. I couldn't
21 believe I had grown adults standing in front of me in a very
22 open, not private area. It was in a very large, open room
23 doing this and the room had cameras in it, that type of
24 thing. I was just surprised that they would -- that anyone
25 would be as bold as to do that.

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a witness, produced, sworn and examined on the 3rd and 4th days of February, 2000, between the hours of 8:00 a.m. and 6:00 p.m. of that day at the offices of the Attorney General, Broadway State Office Building, 7th Floor, in the City of Jefferson, County of Cole, State of Missouri, before

and Notary Public within and for the State of Missouri, commissioned in Cole County, in the above-entitled cause, on the part of the Plaintiffs, pursuant to Notice.

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1 more than one facility? What was their physical
2 responsibility?

3 A. They were assigned to Jefferson City
4 Correctional Center.

5 Q. And that's the place where they reported to
6 work every day that they were supposed to report to
7 work?

8 A. Yes.

9 Q. Okay. Now, who are Rodney Perry and Mitch
10 Seaman?

11 A. They're fire and safety specialists at the
12 Jefferson City Correctional Center.

13 Q. Still there in that capacity?

14 A. Yes.

15 Q. And were both of them there in that capacity
16 when Susan Nurnberg and Becky Hunt started in December
17 of '97?

18 A. Yes.

19 Q. What is the job duty interface between the
20 positions then occupied by Mr. Perry and Mr. Seaman
21 and the employee health nurse positions into which
22 Ms. Hunt and Ms. Nurnberg were hired?

23 A. Okay. The fire and safety specialists had
24 been there for a long period of time, and part of what
25 we had hoped to accomplish with the employee health

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1 nurse program was that we would reduce our workers'
2 compensation costs. And the fire and safety guys are
3 the ones that look at the accidents and incidents and
4 have monthly meetings to determine what happened and
5 how do we prevent this from reoccurring.

6 So the hope was that they would work
7 together to look at what kind of incidents were
8 occurring and how the fire and safety guys would
9 impact it from the safety side and how the employee
10 health nurses could impact it from the health side
11 from the standpoint of health education, if it was an
12 educational issue on how you better take care of
13 yourself, or actually seeing the people post-accident
14 prior to going out, because a lot of times if it was
15 just a scratch or a nonrisky blood exposure, instead
16 of sending somebody to the ER for a couple hundred
17 dollars, you could see the employee health nurse at
18 the work site.

19 She could put a band-aid on it, do
20 counseling that this really isn't risky, and you'd
21 save a couple hundred instead of sending somebody to
22 an ER.

23 Q. So there would be some meetings and some
24 analyses of accidents and incidents is essentially one
25 area where there would be overlap?

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

REBECCA HUNT, et al.,)
Plaintiffs,) Case No. 99-4158-CV-C-5
vs.)
STATE OF MISSOURI, DEPARTMENT)
OF CORRECTIONS, et al.,)
Defendants.) March 8, 2000
Jefferson City, MO

DEPOSITION OF DONALD V. CLINE,

a witness, sworn and examined on the 8th day of March,
2000, between the hours of 8:00 a.m. and 6:00 p.m. of
that day at the law offices of the Missouri Attorney
General, Broadway State Office Building, Seventh
Floor, in the City of Jefferson, County of Cole, State
of Missouri, before

PATRICIA A. DURBIN, RPR, CSR, CCR
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within and for the State of Missouri, in the
above-entitled cause, on the part of the Plaintiffs,
taken pursuant to agreement.

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SIGNATURE INSTRUCTIONS:

Presentment waived; obtain signature.

EXHIBIT INSTRUCTIONS:

None marked.

I N D E X

18	Direct Examination by Mr. Meyers	3
19	Cross-Examination by Ms. Trower	37
20	Redirect Examination by Mr. Meyers	38

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A P P E A R A N C E S

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(573) 751-3321

EXHIBIT N

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1 1 Q. So you didn't really expect to receive an
2 2 explanation --
3 3 A. No.
4 4 Q. -- correct?
5 5 A. Blind and hesitating obedience to the man in
6 6 command.
7 7 Q. Okay.
8 8 Tell me about your job responsibilities back
9 9 in December of '97, the first half of '98 insofar as
10 10 physically how often you would be at your desk there
11 11 in the JCCC.
12 12 A. Oh, I'm there probably more than I'd like to
13 13 be. But I was -- I would probably say three or four
14 14 or five hours a day when I'm not going through the
15 15 institution.
16 16 Q. Right.
17 17 A. Or some other training or something else
18 18 assigned to.
19 19 Q. It sounds like you're estimating about half
20 20 of the time is spent at your desk --
21 21 A. Half of the time.
22 22 Q. -- and half of the time what they would say
23 23 in the field?
24 24 A. Uh-huh.
25 25 Q. Yes?
26 7
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1 1 A. Yes. I would say that.
2 2 Q. All right. And is there any regular
3 3 schedule as to when you're usually at your desk and
4 4 when you're usually in the field?
5 5 A. Not really. It varies in terms of demand.
6 6 Q. What about Mr. Dormire back in that time
7 7 frame?
8 8 A. Probably his is about the same. Probably he
9 9 would be at his desk probably more than I would. But
10 10 I have to do audits and things of that nature.
11 11 Q. Now, what about the secretaries to the two
12 12 of you back then? Were they pretty much at their desk
13 13 throughout the day?
14 14 A. When they're not out smoking.
15 15 Q. You were nodding yes before you said when
16 16 they're not out smoking. Correct?
17 17 A. Yes.
18 18 Q. Theoretically they're at their desk
19 19 throughout the day --
20 20 A. Right.
21 21 Q. -- when they're not on break?
22 22 A. Right.
23 23 Q. At any point did you become aware of any
24 24 complaints that the nurses had about how their time
25 25 sheets were getting processed from the time you became
26 8
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1 1 responsible for them?
2 2 A. Not any specific complaints that I recall.
3 3 I didn't know anything about their difficulties until
4 4 they came to the point when they felt they had to
5 5 leave.
6 6 Q. The point when you felt they had to leave or
7 7 they felt?
8 8 A. No. When they felt they had to leave.
9 9 Q. Was it after they left that you learned
10 10 about that?
11 11 A. It was at that time when they --
12 12 Q. And --
13 13 A. -- when apparently the communication was
14 14 that they couldn't tolerate it any longer.
15 15 Q. All right. And what one of the things you
16 16 were told at that time is that they were having
17 17 difficulty getting their time sheets signed from the
18 18 time you took over that responsibility. Is that what
19 19 you were told?
20 20 A. Well, again, I was not told about the time
21 21 sheets. I -- other than that I was to take that over
22 22 at that time. There are some other things that, you
23 23 know, if you'll ask the questions, why, I could relate
24 24 to. But the two people that work for me, the fire and
25 25 safety people, which apparently the grievance
26 9
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1 1 indicates that the case is about, there was kind of a
2 2 superimposed -- Julie Ives and then the nurses and the
3 3 fire and safety, they had their own agenda.
4 4 I didn't have any direct line of
5 5 communications on that. Sometimes Central Office
6 6 people from there come over and, you know, they may
7 7 have -- they coordinate or whatever, services.
8 8 Q. Well, did Julie Ives have some
9 9 responsibility for these fire and safety employees as
10 10 you understood it?
11 11 A. As far as on the -- as far as the structure
12 12 of job description and that sort of thing, I don't
13 13 believe you would find it, because of some of the
14 14 natures of the complaints of people who are hurt on
15 15 the job and that sort of thing, fire and safety looked
16 16 into those.
17 17 I for a purpose of performance appraisals
18 18 and that sort of thing have that responsibility.
19 19 But at that point in time there was kind of an
20 20 unofficial -- Mrs. Ives didn't come through me on it.
21 21 She may have come through the superintendent but she
22 22 didn't come through me.
23 23 My job with the nurses were to check the
24 24 time sheets.
25 25 Q. Okay. From and after the time Mr. Dormire
26 10
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NOTES

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

REBECCA HUNT, et al.,)
)
 Plaintiffs,)
)
 vs.) Case No. 99-4158-CV-C-5
)
 STATE OF MISSOURI, DEPARTMENT)
 OF CORRECTIONS, et al.,)
) February 4, 2000
 Defendants.) Jefferson City, Mo.
 oOo

DEPOSITION OF MITCHELL SEAMAN,

a witness, produced, sworn and examined on the 4th day
of February, 2000, between the hours of 8:00 a.m. and
p.m. of that day at the offices of the Attorney
General, Broadway State Office Building, 7th Floor, in
the City of Jefferson, County of Cole, State of
Missouri, before

KELLENE FEDDERSEN, CSR, RPR
ASSOCIATED COURT REPORTERS, INC.
714 West High Street
P. O. Box 1308
Jefferson City, Missouri 65109
(573) 636-7551

and Notary Public within and for the State of
Missouri, commissioned in Cole County, in the
above-entitled cause, on the part of the Plaintiffs,
pursuant to Notice.

ASSOCIATED COURT REPORTERS INC
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EXHIBIT O

1 answering yes to?
 2 THE WITNESS: That there was personal
 3 discussion made in their office.
 4 MS. TROWER: You talked to them about your
 5 personal stuff?
 6 THE WITNESS: No. They talked to me
 7 about --
 8 MS. TROWER: What did you mean when you
 9 answered vice versa?
 10 THE WITNESS: That they were the ones that
 11 discussed their personal life.
 12 MR. MEYERS: That's the way I understood it.
 13 MS. TROWER: I just want to make sure it's
 14 clear on the record. It wasn't clear.
 15 BY MR. MEYERS:
 16 Q. Tell me about the discussion you're
 17 referring to.
 18 A. It's just that every time that we would go
 19 up there they would be having some kind of problem
 20 with their personal life. I know Ms. Hunt was going
 21 through a divorce. Now, Ms. Hunt usually didn't talk,
 22 but Ms. Nurnberg told me that Ms. Hunt was going
 23 through a divorce, her husband wouldn't do anything
 24 for her, she had to mow the grass, she had to do the
 25 laundry, just general discussion.

1 Q. And this occurred on a number of occasions
 2 or is it just a single conversation you're recalling?
 3 A. Numerous times.
 4 Q. Each time with Ms. Nurnberg telling you
 5 something of a personal nature about Ms. Hunt?
 6 A. Or about herself.
 7 Q. Did Ms. Hunt ever share personal things
 8 about herself or about Ms. Nurnberg with you?
 9 A. Yes, sir.
 10 Q. What?
 11 A. I don't know. Just personal every day talk,
 12 you know, a problem that she might have.
 13 Q. But you can't remember anything specific
 14 today?
 15 A. No.
 16 Q. What personal things did Ms. Nurnberg tell
 17 you about her own life?
 18 A. I can't remember per se, sir. It's been
 19 quite a long time ago.
 20 Q. I'm trying to get a handle on the extent to
 21 which either of these ladies revealed personal things
 22 to you about their own life, and I want to give you a
 23 couple of examples, gives you an idea of what I'm
 24 talking about.
 25 Sometimes people say, I'm having a bad day

1 because I was -- my inlaws kept me up late last night
 2 or something. There's a point having to do with their
 3 current situation where they share something that
 4 might technically be personal but it's not really some
 5 long, in-depth personal discussion.
 6 Is it that kind of conversation you're
 7 talking about?
 8 MS. TROWER: I'm going to object to the
 9 form. I think it's been asked and answered. You
 10 asked him what they said and he's told you the best he
 11 can recall.
 12 You can answer.
 13 THE WITNESS: Yes, sir, that's what I'm
 14 trying to say.
 15 BY MR. MEYERS:
 16 Q. As opposed to sitting down and having a
 17 longer conversation or sharing really personal
 18 intimate details?
 19 MS. TROWER: Object as to form. You can
 20 answer.
 21 THE WITNESS: Yes, sir.
 22 BY MR. MEYERS:
 23 Q. You never had that kind of discussion with
 24 either of them?
 25 A. No, sir. To go back to your question about

1 Mrs. Nurnberg, I remember one particular day that she
 2 made the statement that, it seemed like, and I want to
 3 get it right, in words to the effect that there's so
 4 many men chasing them that they just didn't know what
 5 they were going to do, that they had so much work to
 6 do that they just didn't have time for it, words to
 7 that effect. I can't per se say that's -- and that's
 8 the kind of conversation I'm talking about, not
 9 lengthy discussions.
 10 Q. I'm trying to figure out what you
 11 understood. You understood her to be saying that
 12 there were men trying to have some kind of a social
 13 relationship with them, but they were too busy with
 14 their work; is that what you understood?
 15 MS. TROWER: Objection as to form.
 16 THE WITNESS: I don't know what she meant by
 17 it, to tell you the truth. I just kind of ignored it.
 18 BY MR. MEYERS:
 19 Q. When she said there were men after her, she
 20 had a lot of work to do --
 21 MS. TROWER: Objection as to form.
 22 THE WITNESS: Like I said, I don't really
 23 understand what she meant by it. I just remember her
 24 saying that, and it was one of the hectic days or that
 25 she claimed was a hectic day.

1 BY MR. MEYERS:

2 Q. So she might have been referring to men in
3 the prison who were making demands on her time
4 job-wise?

5 MS. TROWER: Objection.

6 MR. MEYERS: Is that what you're saying?

7 MS. TROWER: Objection as to form. Assumes
8 facts not in evidence. It's argumentative. It's been
9 asked and answered.

10 THE WITNESS: Like I said, I don't know what
11 she meant.

12 BY MR. MEYERS:

13 Q. And you didn't have an impression one way or
14 the other as between those two or some other meaning,
15 right?

16 MS. TROWER: Objection. It's been asked and
17 answered.

18 BY MR. MEYERS:

19 Q. Right?

20 A. No, sir.

21 Q. No, sir, it's not right or yes, sir?

22 A. I didn't have an opinion on what she meant.

23 Q. Now, did you ever ask personal questions of
24 either of the nurses either about themselves or the
25 other?

1 Hunt about anything to do with her and a bathing suit
2 or a swimming suit?

3 A. No, sir.

4 Q. Did you ever have any conversation with
5 Becky Hunt or Susan Nurnberg where you made any
6 reference to either one of their behinds, fannies,
7 butts, using any other word that means the same thing?

8 A. No, sir.

9 Q. Did you ever have any conversation with
10 either of the nurses where you or the nurse got upset
11 with the other and raised your voice or they raised
12 their voice?

13 A. Yes, sir.

14 Q. Are we talking about one occasion or more
15 than one?

16 A. I can only remember one occasion, sir.

17 Q. Who were you having a discussion with?

18 A. Susan Nurnberg.

19 Q. About what?

20 A. About an investigation that she did of an
21 accident.

22 Q. What had you learned that gave rise to that
23 call or conversation?

24 A. That there was an investigation done about
25 an incident that happened in a tower, and that

1 A. No, sir.

2 Q. Does your wife work at the facility?

3 A. Yes, sir.

4 Q. Where does she work?

5 A. She works in the records office.

6 Q. Where is that located?

7 A. Right across the -- it's on the second floor
8 of the administration building.

9 Q. And where is that in relation to the health
10 office?

11 A. Right across the hall. The employee health
12 nurse is up the stairs and down the hall, and the
13 records office is up the stairs and just to the right.

14 Q. So is it a situation where if you're
15 standing in the door of the nurses' office and looking
16 out, are you looking into the records office?

17 A. No, sir.

18 Q. It's down the hallway one way or the other?

19 A. Yes, sir.

20 Q. Did either of the nurses ever say anything
21 to you or behave in a way that led you to believe they
22 felt uncomfortable with your intruding on their
23 physical space?

24 A. No, sir.

25 Q. Did you ever have any discussion with Becky

1 Ms. Nurnberg went out there to investigate it. I
2 telephoned the nurses' office from my office and asked
3 her why weren't we informed of the investigation, and
4 she told me that she didn't know why we weren't
5 informed.

6 And I stated, Well, professional common
7 courtesy would have been to call us. Ms. Nurnberg
8 raised her voice and told me she was ordered to do
9 this. I asked her who ordered her. She stated
10 Mr. Oetting. I asked her, why would Mr. Oetting ask
11 her when that is our job. She continued to raise her
12 voice, and then she hung the phone up on me.

13 Q. Did you raise your voice with her?

14 A. No, sir.

15 Q. Did you ever ask Mr. Oetting whether he did
16 instruct her to do that?

17 A. No, sir.

18 Q. To this day, have you ever asked Mr. Oetting
19 that?

20 A. No, sir.

21 Q. Do you know one way or the other, other than
22 what Ms. Nurnberg told you, whether Mr. Oetting gave
23 her those instructions?

24 A. I do not know. I've never asked. I think
25 it was brought up in discussion at a -- over a general